

JAP:DMP

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-11-926

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(T. 21, U.S.C., § 846)

JOHN SCROFANI,

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

KYLER HARDIN, being duly sworn, deposes and says that he is a Special Agent with United States Department of Homeland Security, Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

Upon information and belief, on or about and between September 11, 2011 and September 14, 2011, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant JOHN SCROFANI did knowingly, intentionally and unlawfully conspire to possess with intent to distribute a substance containing methamphetamine, a schedule II narcotic drug controlled substance.

(Title 21, United States Code, Section 846)

The source of your deponent's information and the grounds for his belief are as follows^{1/}:

1. On or about September 12, 2011, Customs and Border Protection ("CBP") officers conducting an enforcement examination of packages arriving at John F. Kennedy International Airport from Qatar on Qatar Airlines Flight No. 83 discovered a brown cardboard package wrapped in brown packing tape, approximately five inches by 12 inches by 12 inches, bearing a white label with black print, addressed to Jinal Soni, 17 MacDonald Avenue, Amityville, New York, 11701.

2. CBP officers opened and inspected the contents of the package. They found several grocery items, including biscuits, tea, and detergent, along with a plastic bag with yellow trim, labeled "BESAN," which appeared to contain flour. Concealed within that bag, CBP agents discovered a white, crystalline substance that field-tested positive for methamphetamine. In total, the methamphetamine recovered from the package has an approximate gross weight of 1000.8 grams.

3. HSI agents searched electronic law enforcement and public records databases relating to 17 MacDonald Avenue, Amityville, New York, but the individual named on the package, Jinal Soni, does not appear to be associated with that address.

^{1/} Because the purpose of this affidavit is merely to establish probable cause, I have not set forth all of the facts and circumstances of which I am aware.

Rather, HSI agents learned that the defendant JOHN SCROFANI and others were associated with 17 MacDonald Avenue, Amityville, New York.

4. On or about September 13, 2011, the Honorable James Orenstein issued a warrant authorizing a search of the recipient's address, 17 MacDonald Avenue, Amityville, New York.

5. On or about September 14, 2011, HSI agents arranged a controlled delivery of the package to 17 MacDonald Avenue, Amityville, New York. Before the delivery, the methamphetamine that was inside the package was removed, and a trip wire device was placed inside.

6. At approximately 11 a.m. on September 14, 2011, an HSI Task Force Officer, acting in an undercover capacity as a delivery person, delivered the package to 17 MacDonald Avenue, Amityville, New York. The undercover officer rang the doorbell at that address. An individual later identified as JOHN SCROFANI answered the door. The undercover officer stated in sum and substance that he had a package for Jinal Soni. SCROFANI responded in sum and substance that the package was for him. He accepted delivery of the package, signed a delivery receipt, and took the package inside the house.

7. Within approximately one hour of accepting delivery of the package, SCROFANI departed from 17 MacDonald Avenue driving a black Lincoln Aviator SUV. As SCROFANI drove

away from the house, agents monitoring the trip wire signal noticed that signal died, indicating that the package was no longer within range of the monitoring device. When the agents followed SCROFANI's vehicle as he drove away, the signal from the trip wire device resumed, indicating that the package was again within range and likely in the vehicle.

8. Agents pulled over SCROFANI's vehicle a few blocks from his house. Initially, SCROFANI did not pull over when the agents flashed their sirens and lights. Agents observed that while he continued driving, he threw the package from the front seat into the back seat of his car. SCROFANI then pulled over. After being approached and asked for his license and registration, SCROFANI - without being questioned about the package - stated in substance and in part that the package was not his.

9. After being advised of and waiving his Miranda rights, SCROFANI admitted in substance and in part that he believed the box contained ketamine.

WHEREFORE, your deponent respectfully requests that the defendant JOHN SCROFANI be dealt with according to law.



KYLER HARDIN
Special AGENT, HSI

Sworn to before me this
15th day of September, 2011

THE HONORABLE JAMES ORENSTEIN
United States Magistrate Judge
Eastern District of New York